

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TDD 920-492-5912

August 30, 1999

Mr. James Barth
N795 Hwy 49
Weyauwega, WI 54983

TRACKED
REVIEWED

OCT 18 1999

R + R - OSH
RECEIVED

SUBJECT: Groundwater Use Restriction for Sunset Curve Auto Parts,
N795 Hwy 49, Weyauwega, WI
WDNR ERP Case #02-69-000572

Dear Mr. Barth:

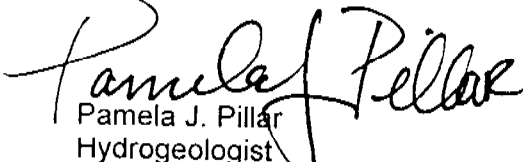
Enclosed you will find the groundwater use restriction which I have completed for the above mentioned property as provided by Environmental Assessments, Inc. This document should be reviewed and proofread for any errors or misstated information. If it meets your approval, please provide the appropriate signatures. Once these signatures have been added, you need to submit a copy of the signed groundwater use restriction along with proof of filing with the County of Waupaca.

Only after we receive the signed groundwater use restriction, as well as proof of filing with the Waupaca County, can this site be closed. In addition, the Department is requiring you to properly abandon all groundwater monitoring wells and provide the Department with proper documentation of such abandonment. **This case will be listed as "active" on the Department's tracking system until the above mentioned conditions are met.**

If you have any additional relevant information which was not formerly provided to the Department, you should submit this information to the Department for reevaluation.

If you have any questions or concerns, please contact me in Green Bay at (920) 492-5593.

Sincerely,


Pamela J. Pillar
Hydrogeologist

Remediation and Redevelopment Program

cc: Barbara Burns, Environmental Assessments, Inc.
PO Box 9127, Appleton, WI 54911

DOCUMENT NO.
408597

Lon Redel, a Single Person

conveys and warrants to James T. Barth

the following described real estate in Waupaca County,
State of Wisconsin:

Legal Description Attached

This is not homestead property
(is) (is not)Exception to warranties in local and zoning ordinances and recorded
casements for public utilities; recorded building restrictions
and taxes, general special, levied after January 1, 1982.

Dated this 14th day of May 1992

STATE OF WISCONSIN - FORM 3
WARRANTY DEED
THIS SPACE RESERVED FOR RECORDING DATAREGISTERS OFFICE
WAUPACA COUNTY, WIS.
RECEIVED FOR RECORD

JUN 2 1992

8:00 AM
567 of Record 343
Jesse BreenRETURN TO Neenah West Nat'l
P.O. Box 628
Neenah, WI 54956

Tax Key No.

TRANSFER FEE
PAID IN FULL
525.00OFFICE OF REGISTER OF DEEDS,
Waupaca County, Wisconsin

} I, George E. Jorgensen Register

of Deeds of said Waupaca County, do hereby certify that I have compared the within and

foregoing copy of WARRANTY DEED with the record of the same
recorded in my office, and that said copy is a true and correct transcript and copy of such Record
and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed Official

Seal this

JUN 03 1999

Register of Deeds, Waupaca County, Wisconsin.

VILL 568 344

LEGAL DESCRIPTION

PARCEL 1.

A part of the West 1/2 of the Northeast 1/4 of Section 28, Township 21 North, Range 13 East, Town of Fremont, Waupaca County, Wisconsin, bounded by a line commencing at an iron stake at the intersection of the Easterly boundary line of State Highway Number 45, and the Southerly boundary line of the Town Road where the same crosses the West 1/2 of the Northeast 1/4 of said Section 28, thence South 24 degrees 30 minutes East 300 feet along the West boundary line of State Trunk Highway Number 49, to an iron stake, thence South 73 degrees West 250 feet to an iron stake; thence North 24 degrees 30 minutes West 460 feet to an iron stake on the South side of said Town Road, thence Southeasterly along said Town Road to place of beginning.

Also, beginning at an iron stake which is South 24 degrees 30 minutes East 300 feet and South 73 degrees West 250 feet from the intersection of the Westerly boundary line of State Highway Number 49 and the Southerly boundary line of the Town Road which crosses said Section 28, said point of intersection being in the West 1/2 of the Northeast 1/4 of said Section 28, said iron stake being the true point of beginning; thence South 73 degrees West 250 feet to an iron stake; thence North 2 degrees 30 minutes East 450 feet to an iron stake on the South boundary line of said Town Road; thence South 24 degrees 30 minutes East 460 feet to the point of beginning.

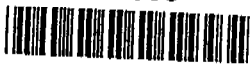
Also, beginning at an iron stake which is South 24 degrees 30 minutes East 300 feet from the said intersection of the Westerly boundary line of State Highway Number 49 and the Southerly boundary of said Town Road, which stake is the true point of beginning; thence South along the West side of State Highway Number 49 a distance of 581 feet, thence North 62 degrees 30 minutes West 762 feet to an iron stake; thence North 73 degrees East 500 feet to the true point of beginning.

PARCEL 2.

Part of the West 1/2 of the Northeast 1/4 of Section 28, Township 21 North, Range 13 East, Town of Fremont, Waupaca County, Wisconsin described as follows: Commencing at the intersection of the Westerly right-of-way line of State Highway 49 and the Southerly right-of-way line of Railroad Grada Road; thence South 24 degrees 30 minutes East, 442.14 feet along the Westerly right-of-way line of State Highway 49 to the point of curvature of a curve to the right having a central angle of 17 degrees 10 minutes and a radius of 1749.16 feet; thence Southerly, along the arc of said curve to the point of tangency thereof the long chord of which subtended arc bears South 15 degrees 55 minutes East, 522.12 feet, to the point of beginning of this description; thence South 7 degrees 20 minutes East, 142.0 feet along said right-of-way line; thence South 62 degrees 40 minutes West, 332.0 feet; thence North 7 degrees 23 minutes West, 487.50 feet to the Southwesterly line of lands described in Volume 279 of Deeds, page 411, Waupaca County Registry; thence South 58 degrees 56 minutes East, 421.07 foot along the Southwesterly line of said Volume 279 of Deeds, page 411, to the Westerly right-of-way line of State Highway 49; thence Southerly, along said right-of-way line to the point of beginning.

(Tax Key No. 06-28-13-2)

600008



VOL 956 PAGE 969

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In re: Parcel 1:

A part of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 28, Township 21 North, Range 13 East, Town of Fremont, Waupaca County, Wisconsin, bounded by a line commencing at an iron stake at the intersection of the Easterly boundary line of State Highway Number 49, and the Southerly boundary line of the Town Road where the same crosses the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 28, thence South 24 degrees 30 minutes East 300 feet along the West boundary line of State Trunk Highway Number 49, to an iron stake, thence South 73 degrees West 250 feet to an iron stake; thence North 24 degrees 30 minutes West 460 feet to an iron stake on the South side of said Town Road, thence Southeasterly along said Town Road to place of beginning.

Also beginning at an iron stake which is South 24 degrees 30 minutes East 300 feet and South 73 degrees West 250 feet from the intersection of the Westerly boundary line of State Highway Number 49 and the Southerly boundary line of the Town Road which crosses said Section 28, said point of intersection being in the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 28, said iron stake being the true point of beginning; thence South 73 degrees West 250 feet to an iron stake; thence North 2 degrees 30 minutes East 450 feet to an iron stake on the South boundary line of said Town Road; thence South 24 degrees 30 minutes East 460 feet to the point of beginning.

Also beginning at an iron stake which is South 24 degrees 30 minutes East 300 feet from said intersection of the Westerly boundary line of State Highway Number 49 and the Southerly boundary of said Town Road, which stake is the true point of beginning; thence South along the West side of State Highway Number 49 a distance of 581 feet, thence North 62 degrees 30 minutes West 762 feet to an iron stake; thence North 73 degrees East 500 feet to the true point of beginning.

Parcel 2:

Part of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 28, Township 21 North, Range 13 East, Town of Fremont, Waupaca County, Wisconsin described as follows: Commencing at the intersection of the Westerly right-of-way line of State Highway 49 and the Southerly right-of-way line of Railroad Grade Road; thence South 24 degrees 30 minutes East, 442.14 feet along the Westerly right-of-way line of State Highway 49 to the point of curvature of a curve to the right having a radius of 1749.15 feet; thence Southerly, along the arc of said curve to the point of tangency thereof the long chord of which subtended arc bears South 15 degrees 55 minutes East, 522.12 feet, to the point of beginning of this description; thence South 7 degrees 20 minutes East, 142.0 feet along said right-of-way line; thence South 62 degrees 40 minutes West, 332.0 feet; thence North 7 degrees 20 minutes West, 487.50 feet to the Southwesterly line of lands described in Volume 279 of Deeds, page 411, Waupaca County Registry; thence South 58 degrees 56 minutes East, 421.07 feet along the Southwesterly line of said Volume 279 of Deeds, page 411, to the Westerly right-of-way line of State Highway 49, thence Southerly along said right-of-way line to the point of beginning.

COPY

 REGISTER'S OFFICE
 WAUPACA COUNTY WI
 RECEIVED FOR RECORD

SEP 30 1999

 At 2:30 o'clock P M and Recorded
 In Vol. 956 Page 969
James T. Barth Register

Recording Area

Name and Return Address:

 James T. Barth
 N795 Highway 49
 Weyauwega, WI 54983

 06-128-13-2
 Parcel Identification Number (PIN)

STATE OF WISCONSIN)
)
 COUNTY OF WAUPACA)

SS

COPY

WHEREAS, James T. Barth is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards exists on this property at the following locations and as identified on Figure 1, attached to and hereby made apart of this groundwater use restriction: benzene concentration of 7.5 micrograms per liter ($\mu\text{g/L}$) at monitoring well-3 (MW-3), and benzene concentration of 23 $\mu\text{g/L}$ at monitoring well MW-2.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 30 day of Sept., 1999.

Signature:

James T. Barth

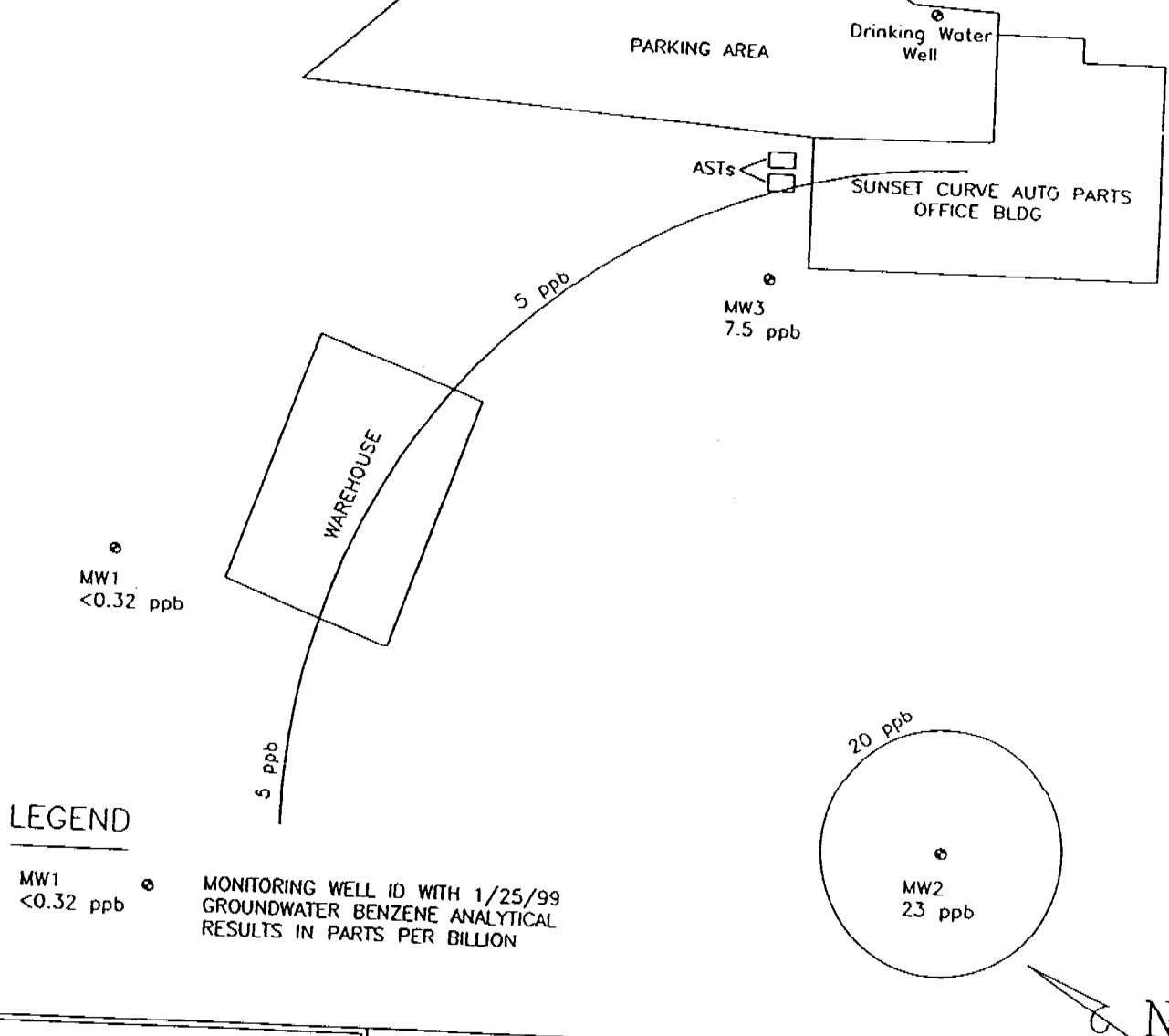
Printed Name: James T. Barth

Subscribed and sworn to before me
 this 30th day of September 1999

Tommy J. Jensen
 Notary Public, State of Wisconsin
 My commission 5-19-02

COPY

Pertroleum Contaminated Groundwater remains near the former location of groundwater monitoring well MW-2 and MW-3.



ENVIRONMENTAL
ASSESSMENTS, INC.

APPLETON, WISCONSIN

TITLE:

Extent of Remaining
Groundwater Contamination

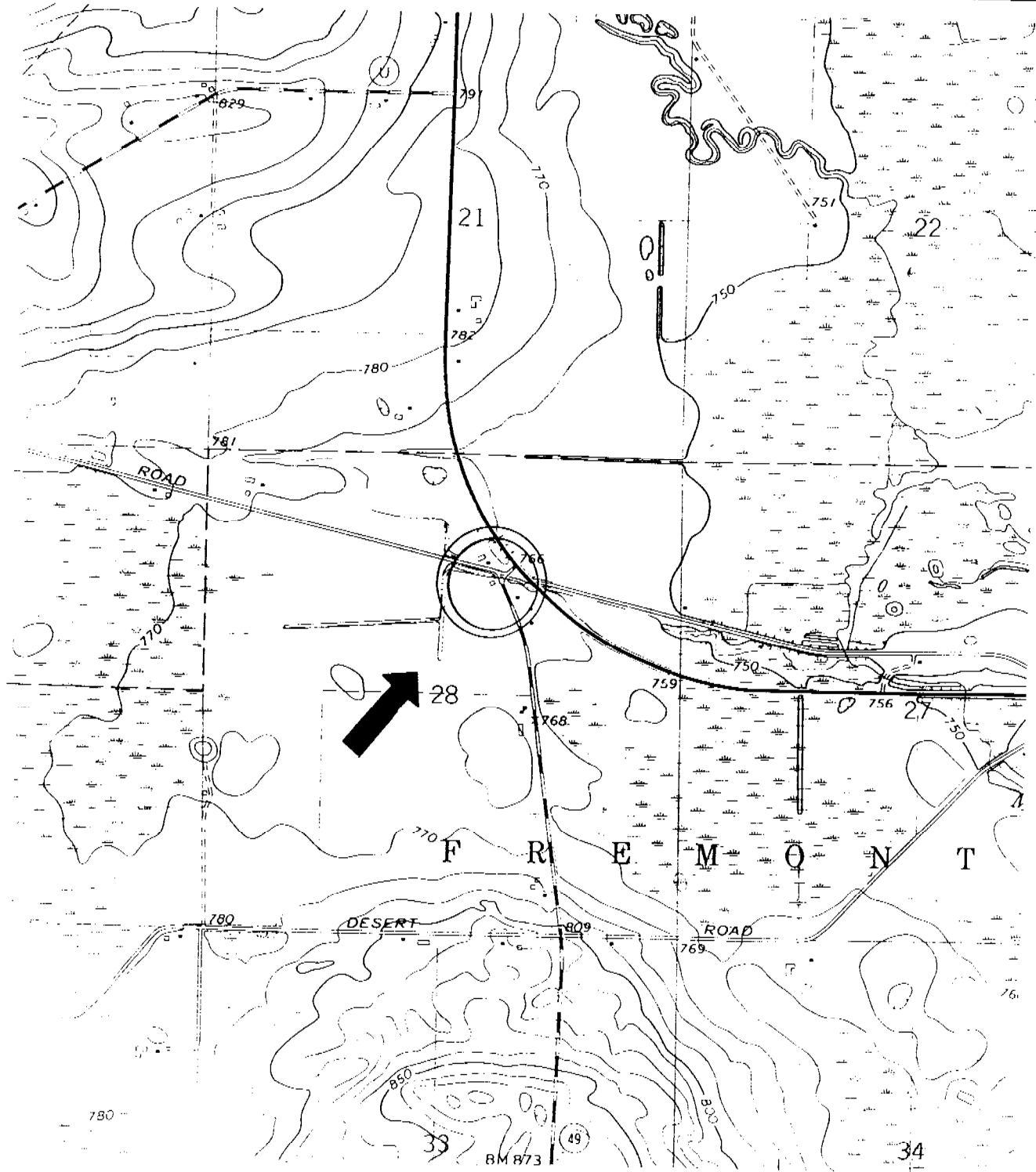
PROJECT:

Sunset Curve Auto Parts
N795 STH 49
Weyauwega, WI

FIGURE # 1

SCALE : 1 inch = 40 feet

DRAWN BY: B. Burns



ENVIRONMENTAL
ASSESSMENTS,
INC.

Project/Client

SITE LAYOUT MAP
SUNSET CURVE AUTO PARTS
WEYAUWEGA, WISCONSIN

Source: USGS Weyauwega, Wisconsin
Quadrangle Map

Figure No.

1

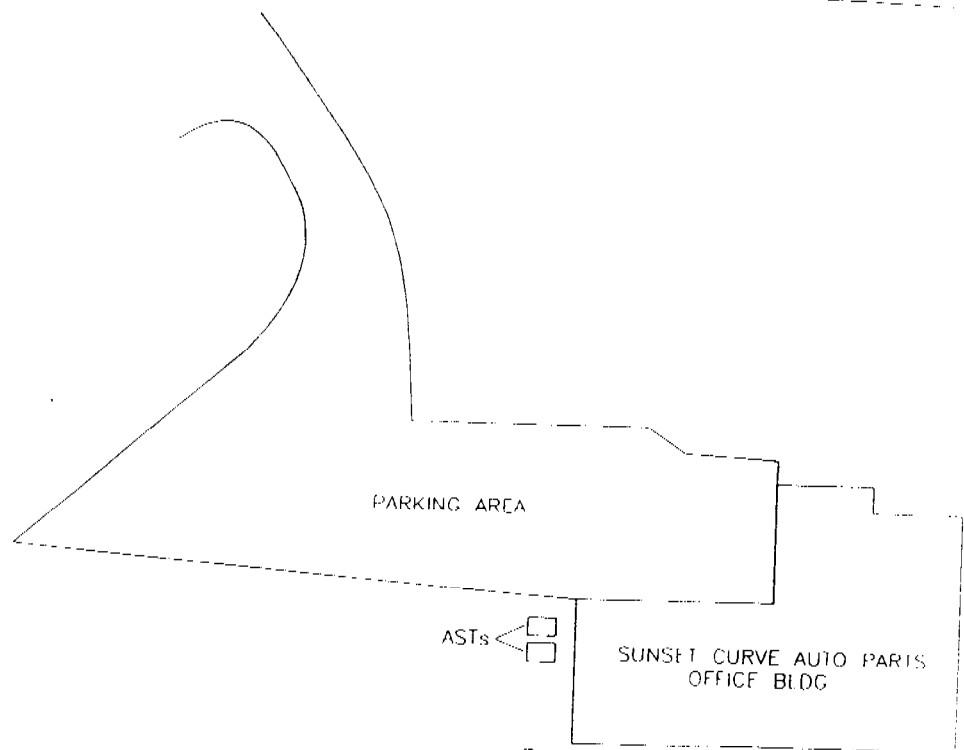
Drawn By

BAB

Scale

1" = 1,500'

Project No.



LEGEND

SB1/MW1 94.40' • SOIL BORING & MONITORING WELL ID WITH GROUNDWATER ELEVATION

SB2/MW2 94.36' • Benzene @ 23 ug/l

ENVIRONMENTAL
ASSESSMENTS, INC.

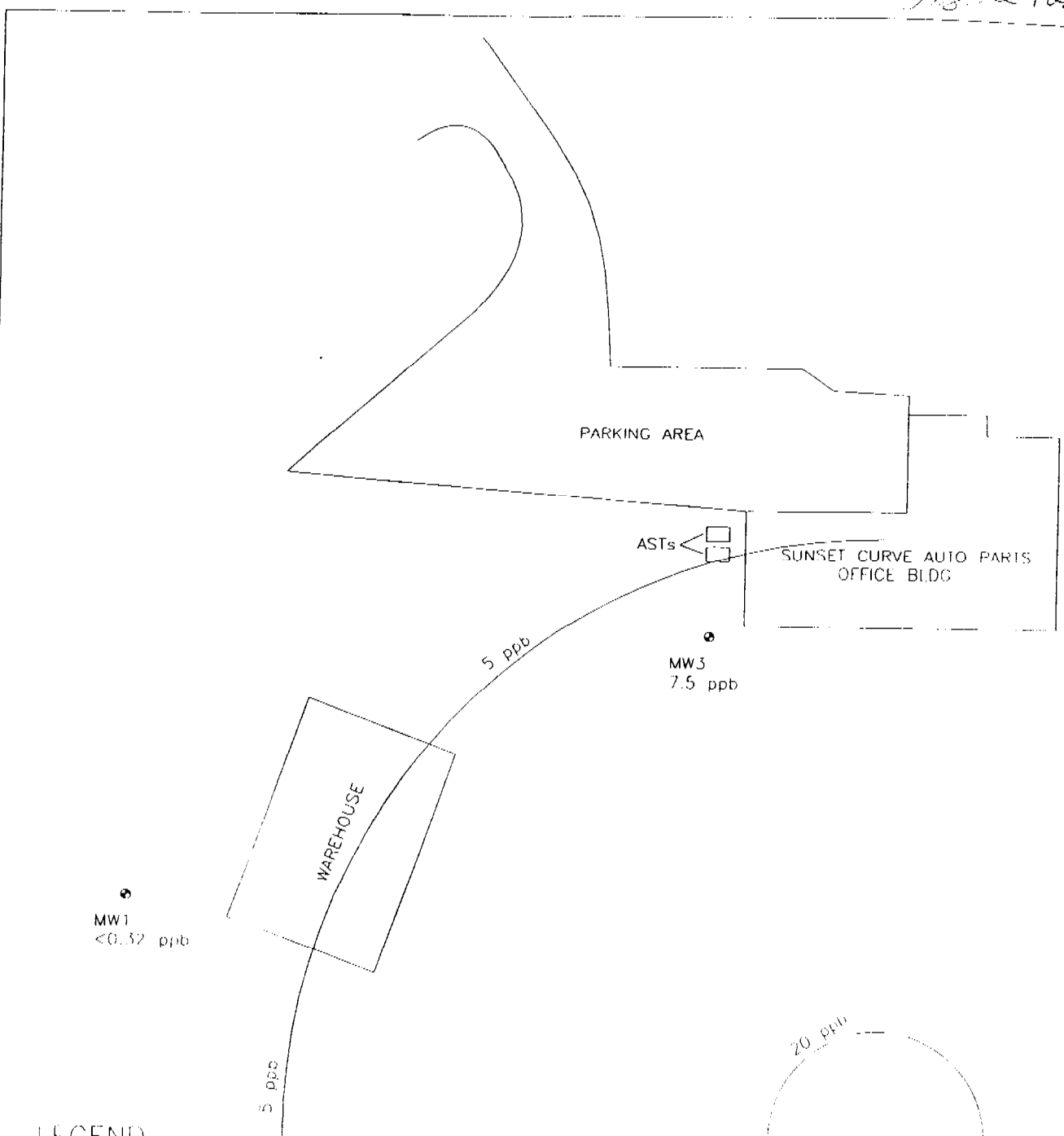
APPLETON, WISCONSIN

TITLE:
Site Layout and Monitoring
Well Location Map
1/25/99 Elevation Data
PROJECT:
Sunset Curve Auto Parts
N795 STH 49
Weyauwega, WI

FIGURE # 1

SCALE 1 inch = 40 feet

DRAWN BY: B. Burns



LEGEND

MW1
<0.32 ppb

MONITORING WELL ID WITH 1/25/99
GROUNDWATER BENZENE ANALYTICAL
RESULTS IN PARTS PER BILLION

ENVIRONMENTAL
ASSESSMENTS, INC.

APPLETON, WISCONSIN

TITLE:
1999 Benzene Concentrations

PROJECT:
Sunset Curve Auto Parts
N795 SH 49
Weyauwega, WI

FIGURE # .

SCALE : 1 inch = 40 feet

DRAWN BY B. Burns

Sunset Curve
Groundwater Analytical Results

MW1	Date	Benzene	E-Benzene	Toluene	MTBE	Xylene	Naphthalene	TMB	Lead
	08/18/96	<0.2	<0.2	<0.2	<0.2	<0.4	<0.8	<0.7	<1
	09/18/96	<0.2	<0.2	<0.2	<0.3	<0.3	**	<0.4	**
	01/28/97	<0.5	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	05/07/97	<0.5	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	09/05/97	<0.5	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	12/22/97	<0.5	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	03/11/98	<0.5	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	08/24/98	<0.5	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	10/09/98	<0.5	<0.6	<0.6	<0.92	<1.7	**	<0.9	**
	01/25/99	<0.32	<0.34	<0.35	<0.31	<1	**	<0.64	**

MW2	Date	Benzene	E-Benzene	Toluene	MTBE	Xylene	Naphthalene	TMB	Lead
	08/18/96	4.2	1.1	1.1	<0.2	50	3.2	18.4	<1
	09/18/96	1.9	0.6	1.6	<0.3	44.9	**	15.3	**
	01/28/97	3.3	0.6	0.94	<0.92	37	2.6	16	**
	05/07/97	3.3	0.6	0.85	<0.92	178.88	10	61	**
	09/05/97	3.3	0.6	0.85	<0.92	25	<2.6	12	**
	12/22/97	3.3	0.6	0.85	<0.92	108	6.7	7.7	**
	03/11/98	3.3	0.6	1.6	<0.92	88	**	36.9	**
	08/24/98	3.3	0.6	1.2	<0.92	58	5.7	28.7	**
	10/09/98	3.3	0.6	0.92	<0.92	<1.7	**	27.2	**
	01/25/99	2.3	0.85	<0.35	<0.31	26	3.8	22.3	**

Pumped 180 gallons prior to sampling

Pumped 300 gallons prior to sampling

MW3	Date	Benzene	E-Benzene	Toluene	MTBE	Xylene	Naphthalene	TMB	Lead
	08/18/96	4.2	<0.2	<0.2	<0.2	2.8	<0.8	1	<1
	09/18/96	1.9	1.9	0.6	<0.3	19.8	**	9.8	**
	01/28/97	3.3	1.1	<0.6	<0.92	2.4	**	4.5	**
	05/07/97	3.3	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	09/05/97	3.3	<0.6	<0.6	<0.92	6.4	**	3.8	**
	12/22/97	3.3	<0.6	<0.6	<0.92	<1.7	**	1.1	**
	03/11/98	3.3	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	08/24/98	3.3	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	10/09/98	3.3	<0.6	<0.6	<0.92	<1.7	**	<1.7	**
	01/25/99	7.5	<0.34	<0.35	<0.31	<1	**	1	**

Pumped 132 gallons prior to sampling

Pumped 300 gallons prior to sampling

(Private well)

Drink	Date	Benzene	E-Benzene	Toluene	MTBE	Xylene	Naphthalene	TMB	Lead
	03/16/99	<0.25	<0.32	<0.38	<0.21	<0.67	<0.73	<0.36	**

NR 140 ES	5	700	343	60	620	40	480	15
NR 140 PAL	0.5	140	58.6	12	124	8	96	1.5

Shading indicates WDNR NR 140 enforcement standard exceedances
 Bold numbers indicate WDNR NR 140 preventive action limit exceedances
 < = parameters not detected above laboratory method detection limit
 ND = not detected above laboratory method detection limit
 ** = not sampled
 Drink = On-site potable drinking well

Closure
Recess

>AL
>ES